

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

ANTHONY L. TUCKER,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. CIV-05-1442-M
	)	
NORTH FORK CORRECTIONAL	)	
FACILITY,	)	
	)	
Defendant.	)	

**ORDER**


On February 13, 2006, United States Magistrate Judge Bana Roberts issued a Report and Recommendation in this action brought pursuant to 42 U.S.C. § 1983, alleging violations of plaintiff's Eighth Amendment rights in connection with his medical care while incarcerated at North Fork Correctional Facility. The Magistrate Judge recommended that plaintiff's complaint be dismissed without prejudice for failure to demonstrate exhaustion of administrative remedies or, alternatively, that plaintiff's complaint be dismissed on the merits for the reason that it is time-barred and, thus, fails to state a claim upon which relief can be granted. Plaintiff was advised of his right to object to the Report and Recommendation by March 6, 2006. A review of the file reveals no objection has been filed.

Accordingly, upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on February 13, 2006, and

- (2) DISMISSES plaintiff's Complaint without prejudice for failure to demonstrate exhaustion of administrative remedies.

**IT IS SO ORDERED this 12th day of April, 2006.**

  
VICKI MILES-LAGRANGE  
UNITED STATES DISTRICT JUDGE